

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHAUNCEY L. WILLIAMS,
aka "Will,"

Defendant.

CASE NO. CR12-5087BHS

GOVERNMENT'S MOTION
FOR EXTENSION OF TIME
TO RESPOND TO DEFENSE
MOTION TO WITHDRAW
GUILTY PLEA

Note: September 6, 2013

The United States of America, by Jenny A. Durkan, United States Attorney for the Western District of Washington, and Gregory A. Gruber, Assistant United States Attorney for said District, submits this Motion for Extension of Time to Respond to Defendant's Motion to Withdraw Guilty Plea. For the reasons set forth below, this motion should be granted.

FACTUAL AND PROCEDURAL BACKGROUND

As this Court is fully aware, the parties in this case submitted to a settlement conference that ultimately led to defendant Williams entering into a plea agreement and pleading guilty in this case. That guilty plea was heard and accepted by Judge Zilly, and sentencing was scheduled before this Court (in both this case and the separate armed robbery case on which defendant was convicted after a jury trial). Due to the filing of the present defense motion, that joint sentencing hearing was vacated. The government's response to the motion is due tomorrow, September 6, 2013.

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2 **NEED FOR MORE TIME TO RESPOND**

3 Lead counsel for the United States was out of State when the present motion was
4 filed last Friday. The following Monday was the Labor Day holiday. The undersigned
5 returned to his office two days ago, which was his first chance to read the motion. The
6 motion and related documents total 29 pages, including a declaration by the defendant
7 and 18 pages of transcript from the change-of-plea hearing. Due to other commitments
8 and responsibilities in other cases, the undersigned has not had a chance to fully review
9 those materials or fully turn to the government's response.

10 More importantly, the unique nature of this motion and its heavy reliance on brand
11 new U.S. Supreme Court precedent, requires that the undersigned fully consult with his
12 superiors in the United States Attorney's Office as to what the government's position will
13 be in this matter. Further complicating the timing of the government's response, the
14 undersigned is also scheduled to be out of the district for two days late next week (on
15 matters related to another case pending trial). The government hopes and anticipates that
16 its response can be determined, written, and filed, by early the following week. Thus, in
17 an abundance of caution, the government is seeking a two week extension in this matter.

18 The undersigned has spoken to defendant Williams' counsel, Mr. Olbertz, who has
19 no objection to the requested extension.

20 Wherefore, the United States respectfully requests that the period for the filing of
21 the government's response be extended by two weeks, to September 20, 2013.

22 Dated: this 6th day of September, 2012.

23 Respectfully submitted,

24 JENNY A. DURKAN
25 United States Attorney

26 s/Gregory A. Gruber
27 GREGORY A. GRUBER
28 Assistant United States Attorney

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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
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6 UNITED STATES OF AMERICA,)

7 Plaintiff,)

8 v.)

9 CHAUNCEY L. WILLIAMS,)
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10 Defendant.)
11 _____)

CASE NO. CR12-5087BHS

ORDER GRANTING
GOVERNMENT'S MOTION
FOR EXTENSION OF TIME
TO RESPOND TO DEFENSE
MOTION TO WITHDRAW
GUILTY PLEA

Noted: September 6, 2013

12 The United States of America has moved, without objection, for a two week
13 extension in which to file its response to the pending defense motion to withdraw guilty
14 plea. After reviewing the government's motion, and the reasons stated therein, the Court
15 concludes that an extension is appropriate. Hence, the government's motion for a two
16 week extension is HEREBY GRANTED. The government's response is now due on or
17 before September 20, 2013.

18 DATED this 6th day of September, 2013.
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22 BENJAMIN H. SETTLE
23 United States District Judge

24 Proposed by:
25 s/ Gregory A. Gruber
26 GREGORY A. GRUBER
27 Assistant United States Attorney
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